Hon. P.C. Pant, J.

Heard learned counsel for the petitioner.

By means of this petition, the petitioner has challenged the order dated 09.12.2004 passed by learned Civil Judge (Jr. division), Nainital whereby the application of the defendant was allowed and the Civil Suit No. 8 or 2004 was restored, after condoning the delay in filling the application (for restoration). I see no illegality in the impugned order or jurisdictional error which requires intervention of this Court under the writ jurisdiction or the revisional supervisory jurisdiction (article 227 of the Constitution).

Learned trial court has given detailed reasons for condoning the delay in moving application in order No. IX rule 13 and also satisfied itself as to the illness of the plaintiff on the date he absented from the court. The learned trial court has put a condition of payment of cost of Rs. 200/- to the defendant.

In the circumstances, the impugned order needs no interference and the petition being devoid of merits is dismissed in limine.

(P.C. Pant, J.)

Dt. 24.12.2004

SJ